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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/517,018

07/25/2005

Knut Haber-Land-Schlosser

915-006.065

8742

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7590

04/14/2009

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EXAMINER

KIM, TAE K

ART UNIT

PAPER NUMBER

2453

MAIL DATE

DELIVERY MODE

04/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/517,018	Applicant(s) HABER-LAND-SCHLOSSER ET AL.	
	Examiner TAE K. KIM	Art Unit 2453	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13, 14, 16, 19-22, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13, 14, 16, 19-22, 25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in response to the Applicant's response filed on December 18, 2008. Claims 12, 15, 17, 18, and 24 have been cancelled by the Applicant. Claims 1, 2, 11, 14, 16, 19, 25, and 26 have been amended by the Applicant. Claims 1 – 11, 13, 14, 16, 19 – 22, 25, and 26, where Claims 1 and 19 are in independent form, are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the step of determining the "environmental conditions indicating weather conditions of a mobile telephone device" is inaccurate since weather conditions are based upon the location of the mobile device and not the mobile device itself.
2. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the processor configured to determine information about "environmental conditions indicating weather conditions of said mobile telephone device" does not indicate how the weather conditions of said mobile telephone device is determined without first determining the location of said mobile telephone device.

Response to Arguments

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Applicant's arguments filed on December 18, 2008 have been fully considered but they are moot based on the new grounds of rejection as stated below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 7, 8, 11, 19 – 21, 25 and 26 rejected under 35 U.S.C. 103(a) as being unpatentable over the published thesis “Look Ma’, My Homepage is Mobile!,” written by Roger Kehr and Andreas Zeidler (hereinafter “Kehr”), in view of U.S. Appl. 2001/0030624, filed by Bruce Schwoegler (hereinafter “Schwoegler”).

3. Regarding Claims 1, 2, 25, and 26, Kehr discloses a method for:

automatically determining information about environmental conditions of a mobile telephone device [Pgs. 1 – 3; the homepage is dynamically adapted to the environment a mobile user is currently in, without interaction from the mobile user (automatically), such as location (country, network, area) and text configuration notifying the new and updated status of the user or the user’s mobile device]; and

automatically adapting a mobile homepage in accordance with said determined information about said environmental conditions of said mobile telephone device [Pgs. 1 – 3; discloses a mobile homepage system built on top

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of an implementation of small web server inside a SIM of a mobile communication device, where the homepage is dynamically adapted to the environment a mobile user is currently in, without interaction from the mobile user (automatically), such as location (country, network, area) and text configuration notifying the new and updated status of the user or the user's mobile device (evaluating determined environment information with regard to different environment information and adapting the homepage in accordance with a result of the evaluation)].

Kehr further discloses that the homepage is constructed from a template that uses information returned by the mobile phone to set variables and for template substitution [Pg. 3].

Kehr, however, does not specifically disclose that the environmental conditions also indicate weather conditions of a mobile telephone device.

Schwoegler discloses a system and method of providing individualized, location specific weather information to subscribers on wireless mobile devices [Para. 0002]. Schwogler further discloses that this service could be delivered on a cable or telephony company's webpage or any major information based website [Para. 0103]. It would have been obvious to one skilled in the art at the time of the invention to incorporate the weather determination system disclosed by Schwogler to the location updating system disclosed by Kehr. The weather information can be determined and stored within the proxy server based upon the location information first determined by the Kehr system. The template could then be incorporated to include the weather information within the homepage as

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location information is updated. The motivation to do so is to provide current weather information specific to a customer's current location [Para. 0007]. This would provide further information as to the context a mobile user is currently in.

4. Regarding Claims 3 and 4, Kehr, in view of Schwoegler, discloses all the limitation of Claim 1 above. Kehr further discloses that the mobile device dispatches a communication request and receives a communication request [Pg. 2; after incoming HTTP requests are parsed (receiving), the commands encoded in the URL are executed and the responses are sent back by SMS (dispatching) to the proxy where the server returns a document that describes the requested information].

5. Regarding Claim 5, Kehr, in view of Schwoegler, discloses all the limitation of Claim 3 above. Kehr further discloses that the communication request is a multimedia call [Pg. 2; communication from the internet is achieved by a so-called proxy server and the HTTP requests are tunneled within SMS messages (multi-media call) sent from a mobile phone attached to the proxy server].

6. Regarding Claim 6, Kehr, in view of Schwoegler, discloses all the limitation of Claim 1 above. Kehr further discloses that said information about said environmental conditions of said mobile telephone device comprises communication properties [Pg. 2; returned homepage information can contain the country, the operator network (communication properties), and location information].

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7. Regarding Claim 7, Kehr, in view of Schwoegler, discloses all the limitation of Claim 1 above. Kehr further discloses that the mobile device transmits the generated mobile homepage [Pgs. 2 – 3; the homepage is generated and automatically returned to the person requesting that information].

8. Regarding Claim 8, Kehr, in view of Schwoegler, discloses all the limitation of Claim 1 above. Kehr further discloses that the mobile device receives an identification of the originator of a communication attempt [Fig. 2; Pg. 2; figure shows that the originator of the communication attempt is displayed to the user to determine whether or not the request should be answered].

9. Regarding Claims 19 and 20, Kehr discloses a mobile telephone device comprising of a server that provides a server functionality to said mobile telephone device [Fig.1; Pg. 2; proxy server that implements many of the functionality needed for the provision of mobile users' homepages], a storage for storing at least one homepage on said mobile telephone device [Pg. 2 – 3; homepage is implemented inside a SIM, which has computing power and memory, inside the mobile device], characterized by a processor configured to determine information about environmental conditions of said mobile telephone device and to adapt said homepage according to said determined information about said environmental conditions of said mobile telephone device [Pgs. 2 – 3; homepages are dynamically adapted to the environment a mobile user is currently in such as location (country, network, area) and text configuration notifying the new and updated (evaluating environment information with different environment information) status of the user or the mobile device].

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Kehr further discloses that the homepage is constructed from a template that uses information returned by the mobile phone to set variables and for template substitution [Pg. 3].

Kehr, however, does not specifically disclose that the environmental conditions also indicate weather conditions of a mobile telephone device.

Schwoegler discloses a system and method of providing individualized, location specific weather information to subscribers on wireless mobile devices [Para. 0002]. Schwogler further discloses that this service could be delivered on a cable or telephony company's webpage or any major information based website [Para. 0103]. It would have been obvious to one skilled in the art at the time of the invention to incorporate the weather determination system disclosed by Schwogler to the location updating system disclosed by Kehr. The weather information can be determined and stored within the proxy server based upon the location information first determined by the Kehr system. The template could then be incorporated to include the weather information within the homepage as location information is updated. The motivation to do so is to provide current weather information specific to a customer's current location [Para. 0007]. This would provide further information as to the context a mobile user is currently in.

10. Regarding Claims 21, Kehr, in view of Schwogler, discloses all the limitation of Claim 19 above. Kehr further discloses that the mobile telephone device has a processor configured to connect said mobile telephone to a server, and configured to transfer the contents of a mobile homepage of said mobile

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telephone device to said server [Pg. 3; each user has the ability to upload the homepage to the proxy server].

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kehr, in view of Schwoegler, in further view of U.S. Appl. 2002/0180579 A1, filed by Tatsuji Nagaoka et al. (hereinafter referenced as “Nagaoka”).

11. Regarding Claims 9 and 10, Kehr, in view of Schwoegler, discloses all the limitations of Claim 6 as stated above. Neither Kehr nor Schwoegler, however, specifically disclose that the communications properties comprise of information about a communication connection or communication state of the mobile telephone.

Nagaoka discloses the use of stored communication capacity information to determine how to display the requested service onto the mobile device: the maximum communication speed, display capacity, and communication standard associated with the corresponding model of the mobile telephone [Pg. 5, Para. 0085; Pg. 7, Para. 0133]. It would be obvious to one skilled in the art to incorporate the teachings of Nagaoka with Kehr and Schwoegler since the communication speed and other properties of the mobile device will determine how much homepage information can be stored within the mobile device and the speed in which this information can be delivered to a request of this information. The communication capacity information of a particular mobile device can determine how the homepage is delivered from the mobile device, which can be

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used to determine possible solutions for low bandwidth or memory size that may lower the quality of service in supplying the homepage.

Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kehr, in view of Schwoegler, in further view of U.S. Patent 6,496,949 B1, invented by Dimitri Kanevsky et al. (hereinafter referenced as “Kanevsky”).

12. Regarding Claims 12 and 22, Kehr, in view of Schwoegler, discloses all the limitations of Claims 1 and 21 as stated above. Kehr further discloses that the mobile telephone device can download the contents of a mobile homepage of said mobile telephone device, storing said downloaded mobile homepage on a server, said server containing a homepage, thereby automatically updating said homepage on said server according to said mobile homepage of said mobile telephone device [Pg. 3; each user has the ability to upload the homepage to the proxy server].

Neither Kehr nor Schwoegler, however, specifically disclose that downloading is initiated when it is detected that the attainability of the mobile device is expected to be reduced.

Kanevsky discloses an emergency backup system for backing up data on one or more computer located in an identified danger zone where a remote sensor sends a signal to the “endangered” computers to download data when it detects the occurrence of an emergency condition [Abstract; Col. 2, Lines 27-49]. Kanevsky further discloses that this system can be implemented within a wireless network and a PDA (Abstract). It would be obvious to one skilled in the art to

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incorporate the teaching of Kanevsky with Kehr and Schwoegler due to the instability or the availability of network devices. When a wireless device is used to directly response to requests for information, downloading that information to another storage device, whenever there are issues regarding the availability of the wireless device, allows the requested information to be available if the wireless device is not. Backing up the data also allows retrieval of that information by the wireless device if any information is lost.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kehr, in view of Schwoegler, in further view of U.S. Appl. 2002/0188887 A1, invented by Kenneth Largman et al. (hereinafter referenced as “Largman”).

13. Regarding Claim 13, Kehr, in view of Schwoegler, discloses all the limitations of Claim 1 as stated above. Neither Kehr nor Schwoegler, however, specifically disclose that when the mobile device is not connectable, the communication request is rerouted to another device to retrieve that request.

Largman discloses an emergency startup system that switches to a separate data storing device within the system when the primary device is not available [Pg. 6, Para. 0128]. It would be obvious to one skilled in the art to incorporate the teaching of Largman with Kehr and Schwoegler due to the instability of wireless signals. When a wireless device is used to directly response to requests for information, alternative destinations to retrieve the required information if the wireless device is unavailable will provide consistent service to those requesting it.

Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kehr, in view of Schwoegler, in further view of U.S. Patent 5,956,487, invented by Chandrasekar Venkatraman (hereinafter referenced as “Venkatraman”).

14. Regarding Claim 14, Kehr, in view of Schwoegler, discloses all the limitations of Claim 1 as stated above. Neither Kehr nor Schwoegler, however, specifically disclose that the homepage is hypertext markup language homepage or extensible hypertext markup language.

Venkatraman discloses the use of HTML to create a webpage [Col. 3, Lines 29-30]. It would have been obvious to one skilled in the art at the time the application was filed to create the homepage was an HTML file. HTML allows the homepage to contain text, images, multimedia files, forms, and tables that are supported by HTML protocols [Col. 3, Lines 39-41]. The various object types that are supported by HTML allow the user to customize the homepage with more than simple text.

14. Regarding Claim 16, Kehr, in view of Schwoegler, discloses all the limitations of Claim 1 as stated above. Neither Kehr nor Schwoegler, however, specifically disclose of a software tool, computer program code, or a computer program product stored in a computer readable medium comprising of program code means for carrying out the steps of automatically adapting the contents of a mobile homepage when the program is run on a computer, a network device, or a mobile telephone device.

Venkatraman discloses that the web server functionality of a device includes software executed by a processor to serve the HTTP protocols commands and generate the HTML formatted files [Col. 4, Lines 51-53]. Venkatraman also discloses that the device includes a web server that provides web server functions [Fig. 1a; Col. 3, Lines 5-16] and that the communication mechanisms can include local area networks, cellular telephone links, serial communication links, or a direct connection to the internet [Col. 3, Lines 64 – Col. 4, Lines 4]. Furthermore, Venkatraman discloses that the device comprises of a processor, memory, device-specific hardware, and input/output circuitry and the firmware or software is stored in the available memory [Fig. 1b; Col. 4, Lines 5-8 and 37-41]. It would have been obvious to one skilled in the art at the time the application was filed that to create and modify a homepage requires that software or computer code is used to process the web server functionality necessary. Furthermore, it is also obvious to one skilled in the art that the software program is stored on a computer readable medium within the device. Software or computer code is necessary for a processor to determine how to process certain inputs and produce certain outputs within a communication system. Storing the software in a computer readable medium allows the processor to perform other its functions continuously without user input.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

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See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae K. Kim, whose telephone number is (571) 270-1979. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne, can be reached on (571) 272-4001. The fax phone number for submitting all Official communications is (703) 872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the examiner at (571) 270-2979.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Tae K. Kim/
Examiner, Art Unit 2453

April 8, 2009

/Moustafa M Meky/
Primary Examiner, Art Unit 2457